IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1526 OF 2005

M/s. G.S.K.Marketing & Anr. ... Petitioners
(Orig. accused)

Vs.

M/s. Trimbak Hatcheries Pvt.Ltd.
& Anr. ... Respondents.

Amarendra Mishra for the petitioners.
Mrs. S.V.Gajare for State.

CORAM: S.K.SHAH,J.

DATE : 17th October, 2006.

P.C.

1. Heard learned Counsel on both sides.

2. This Application challenges the order passed by the Sessions Court in the Revision filed against the order of issue of process. In the revision, it has been observed that the intimation about the dishonour of cheque was received by the complainant on 16.12.1999 and thereafter within 15 days notice dated 24.12.1999 was issued making a demand.

3. As submitted by the learned Counsel for the

applicant in the Application, what is mentioned is that the complainant received the Bank's Memo with the remark "funds insufficient" and thereafter on 24.12.99, issued th enotice. Therefore, it is his contention that notice was given after expiry of 15 days from the receipt of the Bank Memo intimating dishonour of the cheque. However, perusal of the notice dated 24.12.99 indicates that information that was received by the complainant about dishonour of the cheque was received on 16.12.1999 and therefore notice of demand was issued on 24.12.99.

4. As such, the order or learned Additional Sessions Judge, Nashik, is correct. There is, therefore, no illegality or impropriety in the order passed by the Sessions Judge. I do not find any merit in the Application.

The Application stands dismissed.

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(S.K.SHAH,J.)